

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.916 OF 2006

Smt. Jayashri Balwant Wanjari

...Applicant.

v/s

The State of Maharashtra ...Respondent.

Mr. Milind Deshmukh for the applicant.

Mr. S.S. Tatkare, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 6th March, 2006

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant has an apprehension that she is likely to be arrested in connection with C.R.No. 133 of 2005 registered at Baramati City Police Station for the offence punishable under section 376 of the Indian Penal Code.

3. It is alleged that the applicant had on the pretext of giving shelter to the prosecutrix had instigated other two accused to commit rape on the prosecutrix. The prosecutrix and her parents being heavily indebted to the money lenders who had

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committed the said act, initially did not lodge any complaint. However, after the complaint was lodged initially against the person who had committed rape, thereafter during the course of investigation it transpired that the present applicant had also abated the said offence and the prosecutrix and her parents on account of extreme poverty were not in a position to make any complaint. The medical papers also indicate that the girl was aborted twice during this period.

4. Considering these facts, in my view, this is not a fit case for grant of anticipatory bail. The application for anticipatory bail is rejected. It is clarified that if the application for bail is filed by the applicant, the same may be considered on merits.

5. Application is accordingly disposed of.

V.M. KANADE, J.